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Atty Dkt.: 3774-4 Date: January 25, 2002

To: Examiner Unknown - Group: 1645
Firm: USPTO
Facsimile No.: (703) 308-4242
From: Mary J. Wilson

Number of Pages (including cover sheet): 6
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Tabitha A. Trice
FACSIMILE OPERATOR

ATTACHMENT/S: OFFICIAL PRELIMINARY AMENDMENT

MESSAGE:

In re PATENT APPLICATION OF:

CHRISTOPHERS et al

Serial No.: 09/833,799

Filed: April 13, 2001

For: POLYPEPTIDES AND POLYPEPTIDE ANALOGUES

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

CHRISTOPHERS et al

Serial No. 09/833,799

Filed: April 13, 2001

Title: POLYPEPTIDES AND POLYPEPTIDE ANALOGUES

Atty Dkt. 3774-4

C# M#

Group Art Unit: 1845

Examiner: Unknown

Date: January 25, 2002

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

PRELIMINARY AMENDMENT

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

Total effective claims after amendment previously paid for	0	minus highest number 0	\$ 0.00
20	x \$ 18.00		
Independent claims after amendment previously paid for	0	minus highest number 0	\$ 0.00
3	x \$ 84.00		
If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)			
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months)			
Terminal disclaimer enclosed, add \$ 110.00			
First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00)			
<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00) <input type="checkbox"/> Please enter the previously unentered , filed <input type="checkbox"/> Submission attached		Subtotal	\$ 0.00
-\$ 0.00			
If "small entity," then enter half (1/2) of subtotal and subtract			
<input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith			\$ 0.00
Rule 56 Information Disclosure Statement Filing Fee (\$180.00)			
Assignment Recording Fee (\$40.00)			

Other:

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

CHRISTOPHERS et al

Atty. Ref.: 3774-4

Serial No.: 09/833,799

Group Art Unit: 1645

Filed: April 13, 2001

Examiner: Unknown

For: POLYPEPTIDES AND POLYPEPTIDE ANALOGUES

* * * * *

January 25, 2002

AMDT/Selection
u/a
Linda
1/30/03PRELIMINARY AMENDMENTHon. Commissioner of Patents
and Trademarks
Washington, DC 20231

Sir:

Kindly preliminarily amend this application as
follows.

IN THE CLAIMS:

✓ 21. (New) An isolated nucleic acid comprising the nucleotide sequence shown in Figure 13 or fragment thereof that encodes a polypeptide that possesses inhibitory activity against human leukocyte elastase.

✓ 22. (New) The isolated nucleic acid according to claim 21 wherein said polypeptide has the amino acid sequence shown in Figure 13.

CHRISTOPHERS et al. - Serial No.: 09/833,799

✓ 23. (New) An isolated nucleic acid encoding the amino acid sequence shown in Figure 13 or fragment of said sequence that possesses inhibitory activity against human leukocyte elastase.

isolated

✓ 24. (New) An expression vehicle comprising a nucleic acid comprising the nucleotide sequence shown in Figure 13 or fragment thereof that encodes a polypeptide that possesses inhibitory activity against human leukocyte elastase.

✓ 25. (New) An expression vehicle comprising a nucleic acid encoding the amino acid sequence shown in Figure 13 or fragment of said sequence that possesses inhibitory activity against human leukocyte elastase.

REMARKS

Favorable consideration of this application and entry of the foregoing amendments are respectfully requested. The newly presented claims find support throughout the disclosure.

CHRISTOPHERS et al - Serial No.: 09/833,799

An early and favorable Action on the merits is
awaited.

Respectfully submitted,

NIXON & VANDERHYE, P.C.

By

Mary J. Wilson
Mary J. Wilson
Reg. No. 32,955

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

CHRISTOPHERS et al

Atty. Ref.: 3774-4

Serial No.: 09/833,799

Group Art Unit: 1645

Filed: April 13, 2001

Examiner: Duffy, P.A.

For: POLYPEPTIDES AND POLYPEPTIDE ANALOGUES

* * * * *

January 29, 2003

RESPONSE

Hon. Commissioner of Patents
and Trademarks
Washington, DC 20231

Sir:

This is in response to the Examiner's requirement for restriction, set forth in the Office Action dated October 29, 2002, in the above matter, the period for response having been extended up to January 29, 2003, by submission of the required petition and fee herewith. Applicants elect the subject matter of Group II (claims 8-13 and 15-18) for prosecution in this application, with the understanding that claims 21-25 (added by Preliminary Amendment on January 25, 2002) are included in Group II (a copy of the Preliminary Amendment and facsimile receipt evidencing the filing of same are attached). Should the Examiner take the view that claims 21-25 are not part of the elected invention, she is requested to issue a new restriction requirement that includes claims 21-25 and to set a new due date

CHRISTOPHERS et al -- Serial No.: 09/833,799

for response. Non-elected subject matter will be deleted in due course.

Respectfully submitted,

NIXON & VANDERHYE, P.C.

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Mary J. Wilson
Reg. No. 32,955

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